



## **CALL TO ORDER**

Mayor Portantino called the Regular Meeting to order at 7:00 p.m.

## **ROLL CALL**

Councilmembers present: Stephen A. Del Guercio, Laura Olhasso, David A. Spence, Mayor Pro Tem Gregory C. Brown, and Mayor Anthony J. Portantino

Staff members present: City Manager Alexander, City Attorney Steres, Director of Community Development Stanley, City Engineer Kwan, Public Safety Coordinator Stegner, Planning Aide Mikhail, and City Clerk Sessman

## **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Emma Angold from Girl Scout Troop 706.

## **COMMENTS FROM THE PUBLIC**

Mary Najarian expressed her support for items #4 and #9 on this evening's agenda and requested the City Council consider installing a stop sign on Highland and Corona due to the dangerous conditions and poor visibility.

Emma Angold, Girl Scout Troop 706, spoke on the benefits she and many other young girls have obtained by being involved in the Girl Scout of America. She reminded everyone that Girl Scout cookies are currently on sale and requested community support of this fundraiser, which helps fund various trips, activities and other special programs.

## **PRESENTATIONS**

A Certificate was presented to Student Ambassadors Daniel Hurley of the Tournament of Roses Association in honor of his outstanding volunteer service. The remaining certificates were accepted by Gary Yurrick, Vice-Chairman of the Student Ambassadors Committee for the Tournament of Roses Association and will be delivered to the honorees.

A Proclamation designating February, 2006 as "American Heart Month" and February 3, 2006 as "Wear Red for Women Day" was presented to Mr. Fred Chang from the American Heart Association. He expressed his thanks to the City Council for their support and recognition and urged all citizens to show their support for women and the fight against heart disease.

The Public Safety Update for the Sheriff Department was presented by Captain Peters.

## CONSENT CALENDAR

Mayor Portantino pulled agenda item #7 and #8, Councilmember Olhasso pulled agenda item #6 and Councilmember Spence pulled Agenda item #9 for discussion.

6. Consideration of a RESOLUTION DESIGNATING THE CITY MANAGER AS THE APPLICANT'S AGENT FOR PRE-DISASTER MITIGATION GRANT PDMC-PL-09-CA-2005-026 AWARDED TO THE CITY.

In response to an inquiry by Councilmember Olhasso, City Manager Alexander responded that city staff will look into the specifics of the Pre-Disaster Mitigation plan especially concerning a hazardous spill along the 210 freeway and bring back an update for review by the City Council.

At the request of City Manager Alexander, Public Safety Coordinator Stegner provided a brief report on the mitigation measures and explained that these programs could be tailored to address the needs of the City.

7. Consideration of a RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA CAÑADA FLINTRIDGE SUPPORTING FEDERAL FUNDING FOR THE ARROYO SECO WATERSHED FEASIBILITY STUDY.

Tim Brick, Managing Director of the Arroyo Seco Foundation, provided a brief PowerPoint presentation on the Arroyo Seco watershed feasibility study and the City of La Cañada Flintridge's relation to the proposed project.

In response to an inquiry by Mayor Pro Tem Brown, Mr. Brick emphasized the importance of promoting the Greenway Agreement. He explained that currently the Corps has a process outlined, but not a project outline, and expressed the importance of having the City's interests and projects represented.

In response to an inquiry by Councilmember Olhasso, Mr. Brick explained that it would be possible to mesh this study with the City of La Canada Flintridge Disaster Mitigation Plan.

Mayor Portantino stated that the more active role the City plays at the outset of this project, the more likely adequate resources will be obtained.

In response to an inquiry by Councilmember Spence, Mr. Brick explained that the City of Pasadena has a master plan but it does not define a project to move the concrete out of the flood channel that runs through the golf course.

Mayor Pro Tem Brown requested that the language of the resolution be re-worded to focus on the regional benefit. There were no objections.

Motion by Mayor Pro Tem Brown, seconded by Councilmember Del Guercio, to read by title only and adopt Resolution No. 06-04, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA CAÑADA FLINTRIDGE SUPPORTING FEDERAL FUNDING FOR THE ARROYO SECO WATERSHED FEASIBILITY STUDY," with the requested changes to the language of the Resolution. The motion carried unanimously.

8. Approve and authorize the release and advertisement of the Request for Proposal to provide professional engineering services for evaluation and analysis of various sanitary sewer collection systems for proposed Sewer District 5 (SD5).

City Manager Alexander presented a brief staff report.

Mayor Portantino expressed his thanks to the community for their comments and their patience and offered his thanks to the Sewer Subcommittee for their time, efforts and dedication.

Councilmember Spence expressed his support for having all five Councilmembers present when the final interviews are conducted, not just the subcommittee. There were no objections.

Mayor Portantino OPENED the public comment session.

Gary Olson, a resident of La Cañada Flintridge in proposed Sewer District 5, expressed his support for sewers and for the City Council's process, specifically the open forum which allows numerous opportunities for public involvement. He expressed his desire to see this project move forward to obtain as many alternative options as possible.

Kent Schmidt, a resident of La Cañada Flintridge, expressed his support for comments made by Mr. Olson. He expressed his concern that while the installation and construction expenses for an alternative system will be dramatically lower, the long-term expenses with maintenance will be higher. In addition, he expressed concern that the City may have problems getting enough qualified applicants to meet the City's RFP.

There was no one else wishing to speak, therefore, Mayor Portantino CLOSED the Public Comment session.

Mayor Pro Tem Brown announced that the Request for Proposal (RFP) for SD 5 would be distributed to the state list of engineers and hoped there would be enough qualified applicants.

In response to a request by Councilmember Olhasso, City Engineer Kwan provided a brief explanation of the RFP distribution process.

Mayor Pro Tem Brown expressed his concern with the Errors and Omissions Insurance requirement section of the RFP and hoped that this requirement would not limit the pool of bidders.

In response to concerns expressed by Mayor Pro Tem Brown, Councilmember Del Guercio suggested that the bidder have the option of Errors and Omissions insurance. There were no objections.

Councilmember Spence requested that staff send the RFP to the Regional Water Quality Control Board for further release and advertisement. There were no objections.

Motion by Councilmember Del Guercio, seconded by Councilmember Spence, to approve and authorize the release and advertisement of the Request for Proposal to provide professional engineering services for the evaluation and analysis of various sanitary sewer collection systems for proposed Sewer District 5 (SD5). The motion carried unanimously.

9. Consideration of a RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA CAÑADA FLINTRIDGE ESTABLISHING A STOP CONTROL IN THE WESTBOUND DIRECTION AT THE INTERSECTION OF RICHMOND ROAD AND GOULD AVENUE.

In response to concerns expressed by Councilmember Spence, City Engineer Kwan assured the City Council that issues regarding overgrown landscaping and limited/restricted visibility in the right-of-way will be addressed.

Councilmember Spence requested that residents be given notice to trim the oleanders in order to further alleviate visibility problems. There were no objections.

Motion by Councilmember Olhasso, seconded by Councilmember Spence, to read by title only and adopt Resolution No. 06-04, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA CAÑADA FLINTRIDGE ESTABLISHING A STOP CONTROL IN THE WESTBOUND DIRECTION AT THE INTERSECTION OF RICHMOND ROAD AND GOULD AVENUE." The motion carried unanimously.

Motion by Councilmember Olhasso, seconded by Councilmember Spence, to approve the following Consent Calendar items:

1. Approval of Minutes of the City Council:
  - a. September 19, 2005 Regular Meeting
  - b. November 21, 2005 Regular Meeting
  - c. January 3, 2006 Regular Meeting
  - d. January 23, 2006 Special Meeting
2. Approval of Warrant Resolution No. 06-02 dated February 6, 2006, for \$654,005.20.
3. Receive and file Commission Meeting Agendas:
  - a. Design Commission Action Agenda from the January 19, 2006 and January 26, 2006 Meetings.
  - b. Planning Commission Action Agenda from the January 24, 2006 Meeting.
  - c. Public Safety Commission Agenda from the January 25, 2006 Meeting.
  - d. Investment and Financing Advisory Committee Agenda from the January 26, 2006 Meeting.
  - e. Youth Council Agenda from the January 27, 2006 Meeting.
4. Consideration of a RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA CAÑADA FLINTRIDGE ESTABLISHING STOP CONTROLS IN ALL DIRECTIONS AT HIGHLAND DRIVE AND BERKSHIRE AVENUE.
5. Approval and Acceptance of work performed by American Asphalt South, Inc. for the 2005 Slurry Seal/Resurfacing Project and authorization for staff to file the Notice of Completion.

## **OTHER BUSINESS**

10. Appeal of the Decision by the Planning Commission (Location: 4715 Hayman Avenue; Appellants: Marvin & Connie Hur)

The staff report and a brief PowerPoint presentation were presented by Planning Aide Mikhail.

In response to an inquiry by Councilmember Del Guercio, Planning Aide Mikhail explained that the original project was code compliant and did not go through the review process.

Mayor Portantino **OPENED** the public comment period.

Victor Starker, representing the Hurs, offered his apologies to the City Council and City staff for the illegal addition and action taken by the Hurs contractor. He explained that the Hurs had used the contractor in question on numerous occasions for their restaurants and had taken it on good faith that he would follow the correct processes. He further explained that the Chinese Elm tree that is in contention is also located on the side of the house and was inspected by an Arborist who recommended that the tree be removed and a new tree planted in a more advantages spot. He stated that the Hurs are willing to pay for the removal of the tree in question; the planting of two new trees; and will pay double building fees to right a wrong done to the City.

There was no one else wishing to speak, therefore, Mayor Portantino **CLOSED** the public comment period.

Councilmember Olhasso expressed concern with the condition of the tree with or without the addition and stated that as much as she hates to approve anything that was done illegally, in this instance, and since the appellants are willing to pay the double building fees and add two trees, she would vote for the appeal.

Mayor Pro Tem Brown expressed his support for comments made by Councilmember Olhasso regarding the condition of the tree but stated that the tree had been “hacked” in order to build the addition. In addition, he stated that the project cannot exist as is, either the tree must go or the addition. He expressed his concern with allowing tree removals due to individuals illegally building too close to it. He stated that the proper process should have been followed.

Councilmember Del Guercio stated that he could not make the findings for the tree removal. He explained that he did not want to “legalize” illegal construction by approving this project and stated that, without the tree, the balcony of this project would look directly into the neighbors’ backyard, creating privacy issues.

In response to a request for clarification by Mayor Portantino, City Attorney Steres stated that Mayor Portantino’s property is located outside the 500 foot distance of the project address, and therefore is able to participate.

Mayor Portantino expressed his support for comments made by his colleagues and stated that he could not make the findings to uphold the appeal.

A motion was made by Councilmember Del Guercio, seconded by Councilmember Spence, to deny the appeal, thereby upholding the Planning Commission’s decision. The motion carried by the following vote: AYES: Del Guercio, Spence, Brown and Portantino; NOES: Olhasso. Motion carried 4-1.

Councilmember Olhasso added that she agreed with the comments made by her fellow Councilmembers’ on a philosophical basis, but looking at this specific tree and how it’s been butchered, and the fact that the canopy that it once provided for the neighbor is no longer there; the reality is that this tree is in bad condition. She expressed her belief that the tree should have been removed regardless.

Director Stanley stated, for clarification purposes, that by denying the appeal, the appellants will be required to remove the structure and make it code compliant.

11. Update on the repairs to the Foothill Boulevard Wall damaged in the 2005 rainstorms.

City Engineer Kwan presented a brief update on the current status of the Foothill Boulevard Wall and introduced Don Bierman from Hall & Foreman, Inc. (HFI) and Bill Millhone from Sanders & Associates Geotechnical Engineering, Inc. (SAGE) who were available to answer questions.

Mayor Portantino **OPENED** the public comment period. There was no one wishing to speak, therefore, Mayor Portantino **CLOSED** the public comment period.

In response to an inquiry by Councilmember Del Guercio, Don Bierman from Hall & Foreman, Inc., explained that prior to homes being built, the location in question was a natural valley that extended to Foothill Boulevard. He explained that when they constructed the houses, the area was leveled off but the water continued to collect in that valley and flow out onto Foothill Boulevard. He stated that it was unclear whether the wall was properly drained originally and it appeared that when the wall was built, water collecting behind it built up pressure until the wall failed.

Councilmember Del Guercio expressed his concern with using “plant-able” blocks and making the same mistake over again. He inquired whether Mr. Bierman or Mr. Hillhone had heard of any problems with this type of wall or system and whether our situation may be due to lack of adequate drainage.

In response to concerns expressed by Councilmember Del Guercio, Mr. Millhone stated that he was unaware of any particular problems with “plant-able” blocks. He stated that at this time the best “guess” was that there was not adequate drainage but there were several factors that may have contributed to the failure of the wall and we wouldn’t know for sure until the investigation was completed.

City Attorney Steres stated that some of this topic may be better suited for closed session due to possible claims.

In response to an inquiry by Mayor Pro Tem Brown, Mr. Bierman explained that the remaining debris blocking Foothill Boulevard is being left there so that further investigation can be conducted.

In response to inquiries made by Councilmember Spence, City Manager Alexander confirmed that the City took over Foothill Boulevard from the State of California. He further explained that the City negotiated with Caltrans so that when Caltrans transferred ownership of the property they also provided the funding for some of the improvements to the hillside.

Councilmember Olhasso expressed her frustration with the process and provided a brief description of the actions taken by the City in regards to this project. She stated that, following the 2005 rainstorms, the City proceeded under the assumption that this project was a FEMA project. She stated that the City Council awarded the contract to Hall & Foreman in June, 2005, soon after, the City was notified that this was not a FEMA project and that it fell under the Federal Highway Administration which is overseen by Caltrans. She further stated that due to Caltrans involvement, the City was required to have four designs to study, analyze and then approve one of the designs. The approved design will be forwarded to Caltrans for review and approval. Upon authorization from Caltrans, Hallman & Foreman will complete the “final design” of the project to be re-submitted to Caltrans for final approval of the design and environmental study. Once Caltrans issues authorization to proceed with construction, the City can advertise the project.

In response to an inquiry by Councilmember Olhasso, City Engineer Kwan stated that, at this time, Caltrans has not given the City any determination as to how long that process will take.

Mayor Pro Tem Brown stated that he and his fellow Councilmembers' get inquires weekly on the pending completion of the Foothill wall. He stated that it is difficult for the community to understand why this project is not completed and stated, for clarification purposes, that the first nine months following the slide were tied up in a bureaucratic tug-of-war between two arms of the federal government, the Federal Highway Administration and F.E.M.A. Now the City is looking at a couple of more months that can be attributed to the Caltrans approval process.

Councilmember Olhasso inquired whether the City could move forward with the project and get Caltrans to reimburse the City at a later date. In response, City Engineer Kwan explained that if the City moves ahead without authorization from Caltrans it will jeopardize funding.

Mayor Portantino stated that the bottom line is that it is not a function of money; it's a function of federal and state bureaucracies.

City Manager Alexander stated that other local governments impacted by the January 2005 storms are experiencing the same problems.

In response to an inquiry by Mayor Portantino, City Manager Alexander explained a motion by the City Council was not required.

## **CONCLUDING BUSINESS**

*Councilmembers' reports on meetings attended at the expense of the local agency – None*

*Councilmembers' reports regarding regional and local representation*

Councilmember Olhasso, SCAG General Assembly Delegate, explained that March 3, 2006 is the deadline to submit resolutions that the City would like SCAG to consider. Councilmember Olhasso requested that fellow Councilmember's e-mail her any resolutions they wish to have submitted for consideration.

Councilmember Spence stated that he had recently attended a Transportation Committee meeting of the San Gabriel Valley Council of Governments where they discussed the transportation issues, what the state was going to do with bond money and whether a specific project is brought to the fore and given priority. He explained that the bond will be focused in three areas: (1) air quality; (2) goods movement; and (3) congestion relief. He explained that if the City puts the 710 gap closure as the number one issue and the state bonds had a priority that focused as suggested, this project would be off the table. He stated that the bottom line is that the 710 gap closure has no federal funding, no projected matching funds and is ten to twelve years down the line. He recommended that the City continue to monitor this issue carefully but felt it would not be an issue that will happen in the next year or two.

Councilmember Del Guercio thanked Councilmember Spence for the update. He expressed his concerns regarding the 710 gap closure, explaining that this project has never been analyzed as required by state and federal rules to determine the project's impact and no determinations have been made on whether it would be beneficial to the region. He stated that, until the cost benefit analysis under Federal Highway Administration and an Environmental Impact Study are conducted and analyzed, there was no way to know if the project would benefit the region or

what kind of project the region would have. He expressed his concern that those cities who are talking about this as a high priority project are doing a disservice to other communities that have not had the opportunity to participate in a rational analysis of the project.

Mayor Portantino announced that he was recently re-elected as Vice-Chair of the Santa Monica Mountains Conservancy.

*Councilmembers' requests for future agenda items*

In response to an inquiry by Councilmember Del Guercio, City Manager Alexander stated that there will be an item on the February 21<sup>st</sup> Agenda regarding consideration of hiring a Sacramento Legislative Advocate to represent the interests of the City.

In response to an inquiry by Councilmember Olhasso, City Manager Alexander explained that the Mid-Year budget review will be a special daytime meeting scheduled for sometime in the near future.

In response to an inquiry by Mayor Pro Tem Brown, Director Stanley stated that a separate meeting will be scheduled to continue the discussion of the R-1 Standards. Mayor Portantino requested this be calendared as soon as possible. There were no objections.

*Councilmembers' comments*

Mayor Portantino commented that he had received a letter of displeasure regarding the Baptiste Way Project. In response, City Engineer Kwan explained that the remaining items to be completed on the project were the restoration work on four properties which will be completed by the end of the week. In addition, he stated that staff is working with the resident who sent the letter to make sure all concerns are addressed.

Councilmember Spence announced that the Sanitation District will have their 2006 Inland Empire Regional Composting Facility tour on February 22, 2006 at 10:00 a.m.

Mayor Portantino complimented Pat Anderson, Executive Director of the Chamber of Commerce, on her handling of this year's Chamber Installation.

*City Manager and/or staff comments - None*

**ADJOURNMENT**

Mayor Portantino adjourned the meeting at 9:02 p.m.

Kathleen R. Sessman  
City Clerk

Minutes Approved by the City Council on April 3, 2006.